

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE APRIL 22, 2003

AMENDED IN SENATE APRIL 2, 2003

AMENDED IN SENATE MARCH 17, 2003

## SENATE BILL

**No. 217**

**Introduced by Senator Sher**

**(Coauthor: Senator Alpert)**

(Coauthors: Assembly Members Jackson and Nation)

February 13, 2003

---

An act to add ~~Sections 4566 and~~ *Section* 4582.1 to the Public Resources Code, relating to forest resources.

### LEGISLATIVE COUNSEL'S DIGEST

SB 217, as amended, Sher. Forest resources.

The existing Z'berg-Nejedly Forest Practice Act of 1973 prohibits any person from conducting timber operations unless the person has submitted a timber harvesting plan prepared by a registered professional forester to the Department of Forestry and Fire Protection and received approval of that plan from the Director of Forestry and Fire Protection.

The Forest Practice Act requires the State Board of Forestry and Fire Protection to adopt ~~district forest practice rules and regulations for each district to assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, and wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries.~~ The Forest Practice Act also requires the board to adopt

minimum resource conservation standards for each forest district, including standards for even-aged management.

~~This bill would define “planning watershed” to in general mean the contiguous land base and associated watershed system that forms a fourth order or other watershed typically 10,000 acres or less in size. The bill would require the State Board of Forestry and Fire Protection to adopt regulations that provide standards and procedures for determining the maximum harvest limits for the timberlands of each ownership within a planning watershed.~~

~~The bill, until those regulations are operative, would authorize in each 10-year period in any planning watershed area, a maximum of 15% of the timberlands of each ownership in a planning watershed area to be logged by either even-aged regeneration methods or those harvest methods that exceed 70% of the average basal area per acre. The bill would authorize more than 15% of the timberlands of each ownership in the watershed to be harvested in a decade through even-aged regeneration methods if the director, pursuant to board rules, makes specified findings.~~

The bill would prohibit in any stand of ancient forests, as defined, the conduct of timber harvests using even-aged regeneration harvest methods or timber harvests in which more than 70% of the average conifer basal area is removed in one operation, as specified, and would require timber harvests in any stand of ancient forest to comply with specified harvesting requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1.—Section 4566 is added to the Public Resources
- 2     Code, to read:
- 3     4566.—(a) ~~The board shall adopt regulations that provide~~
- 4     ~~standards and procedures for determining the maximum harvest~~
- 5     ~~limits for the timberlands of each ownership within a planning~~
- 6     ~~watershed, including, but not limited to, the amount of a planning~~
- 7     ~~watershed area that may be logged by either even-aged~~
- 8     ~~regeneration methods or those harvest methods that exceed 70~~
- 9     ~~percent of the average basal area per acre.~~
- 10    ~~(b) The procedures established by the board for determining~~
- 11    ~~maximum harvest limits within a planning watershed shall include~~

~~a planning threshold harvest level. The planning threshold shall identify a watershed harvest level for which existing standard best management practices provide feasible protection for resources placed at risk by timber harvesting.~~

~~(e) Until regulations adopted by the board pursuant to subdivision (a) become operative, in each 10-year period in any planning watershed area, a maximum of 15 percent of the timberlands of each ownership in the planning watershed area may be logged by either even-aged regeneration methods or those harvest methods that exceed 70 percent of the average basal area per acre. More than 15 percent of the timberlands of each ownership in the watershed may be harvested in a decade through even-aged regeneration methods, if the director, pursuant to board rules, makes all of the following findings:~~

~~(1) Even-aged management is required for regeneration of the species harvested.~~

~~(2) There will be appropriate spatial distribution of even-aged harvesting among subwatersheds to avoid overconcentration of tree species.~~

~~(3) Clear and convincing evidence exists that the higher harvest level is appropriate based on past harvest levels and the condition of the watershed.~~

~~(4) Appropriate mitigation measures recommended by the Department of Fish and Game and the appropriate California regional water quality control board will be carried out to assure that the harvest level will not have a significant cumulative effect on the environment.~~

~~(d) For purposes of this section, "planning watershed" has the same meaning as in Section 895.1 of Title 14 of the California Code of Regulations, as that section read on January 1, 2003.~~

~~SEC. 2.~~

~~SECTION 1. Section 4582.1 is added to the Public Resources Code, to read:~~

~~4582.1. (a) No timber harvest using even-aged regeneration harvest methods or in which more than 70 percent of the average conifer basal area is removed in one operation, is permitted on any stand of ancient forest.~~

~~(b) Harvesting activities on lands subject to this section shall comply with all of the following:~~

1 (1) All timber harvests shall be conducted in a manner that  
2 ensures that the stand continues to retain a multistoried canopy and  
3 to produce habitat characteristics essential to old growth related  
4 wildlife species. Following completion of timber harvests within  
5 any ancient forest, there shall be retained a multistory canopy, with  
6 at least six trees per acre, that are at or above the average age of the  
7 dominant and co-dominant conifer trees and not less than 100  
8 years, and not less than one-half of the volume of downed logs,  
9 nonmerchantable live trees, and hard and soft snags. When roads  
10 are to be constructed through an ancient forest, trees harvested  
11 shall be consistent with the tree removal limits set forth in  
12 paragraphs (2) and (3).

13 (2) Within unentered ancient forests, timber harvests may not  
14 occur more frequently than once every 25 years. All harvests on  
15 unentered ancient forests are limited to a maximum removal of 50  
16 percent of the trees 21 to 35 inches, inclusive, 36 to 48 inches,  
17 inclusive, 49 to 60 inches, inclusive, and larger than 61 inches in  
18 diameter at breast height. There shall also be minimum retention  
19 or recruitment of structural features and their spatial arrangement,  
20 including hard and soft snags, green culls, downed logs, and coarse  
21 woody debris.

22 (3) The first proposed harvest on an entered ancient forest is  
23 limited to a maximum removal of 50 percent of the trees 21 to 35  
24 inches, inclusive, 36 to 48 inches, inclusive, 49 to 60 inches,  
25 inclusive, and larger than 61 inches in diameter at breast height.  
26 There shall also be a minimum retention or recruitment of  
27 structural features, including hard and soft snags, green culls,  
28 downed logs, and coarse woody debris. Upon any subsequent  
29 entry of an entered ancient forest, timber operations may only be  
30 conducted pursuant to the selection method, as defined in Sections  
31 913.2, 933.2, and 953.2 of Title 14 of the California Code of  
32 Regulations, as those sections read on January 1, 2003.

33 (c) Subdivision (a) and paragraphs (1) and (3) of subdivision  
34 (b) do not apply to the following:

35 (1) Authorized emergency sanitation cutting.

36 (2) Authorized salvage of dead, dying, or deteriorated trees  
37 resulting from fire, wind, insects, disease, or flood.

38 (3) Land that has been approved for conversion to uses other  
39 than growing timber pursuant to Article 9 (commencing with  
40 Section 4621).



1 (4) Firebreaks, fuel breaks, and rights-of-way.

2 (d) As used in this section:

3 (1) “Ancient forest” means a forested area, with a multistoried  
4 canopy, with at least six live trees per acre that existed before 1800  
5 A.D. and are greater than 60 inches in diameter at stump height for  
6 Sierra and Coastal Redwoods, and 48 inches in diameter at stump  
7 height for all other tree species. An ancient forest may be either of  
8 the following:

9 (A) An unentered forested area covering 40 or more acres with  
10 no evidence of commercial timber harvesting and no record of  
11 previous harvest activities.

12 (B) An entered forested area covering 40 or more acres with  
13 previous entry for logging that provides essential habitat elements  
14 for ancient forest-related wildlife species.

15 (2) “Co-dominant” means a tree with its crown forming the  
16 general level of the forest canopy and receiving full light from  
17 above, but comparatively little light from the sides. A co-dominant  
18 tree usually has a medium-sized crown, but is crowded on the  
19 sides.

20 (3) “Dominant” means a tree with a well developed crown  
21 extending above the general level of the forest canopy and  
22 receiving full light from above and partly from the sides.

23 (4) “Even-aged regeneration” means clearcutting and the seed  
24 step of the shelterwood and seed tree regeneration silvicultural  
25 methods, as defined in Sections 913.1, 933.1, and 953.1 of Title  
26 14 of the California Code of Regulations, as those sections read on  
27 January 1, 2003.

